

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNA RILEY, in her capacity as
Treasurer-Tax Collector of Stanislaus
County,

Plaintiff,

v.

LLOYD G. PLOUTZ, et al.,

Defendants.

No. 1:20-cv-01177-DAD-EPG

ORDER CONCERNING STIPULATION OF
DISMISSAL

(ECF No. 28)

On February 10, 2021, Plaintiff filed a stipulation of dismissal as to Plaintiff Donna Riley with prejudice. (ECF No. 28). This appears to be an attempt to comply with the Court's January 20, 2021 order "to file stipulations of dismissal as to Plaintiff Riley and Defendants City of Modesto and State of California Franchise Tax Board no later than February 19, 2021 in accordance with Federal Rule of Civil Procedure 41(a)." (ECF No. 25 at 3). The instant stipulation applies only to Plaintiff Riley.

The stipulation's introduction indicates that all parties who have appeared stipulate to the dismissal. However, several signature blocks are unsigned: those of Defendants Lloyd G. Ploutz, State of California Franchise Tax Board, and William R. Morehead. Thus, the stipulation does not comply with Rule 41(a)(1)(A)(ii), which permits voluntary dismissals without a court order by filing "a stipulation of dismissal signed by all parties who have appeared."

1 Accordingly, no later than February 19, 2021, Plaintiff is HEREBY ORDERED to file a
2 stipulation of dismissal signed by all parties.

3 If Plaintiff believes that the missing signatures are not necessary, on the basis that those
4 parties have not appeared or for any other reason, Plaintiff may file a supplemental memorandum
5 explaining her position in lieu of a revised stipulation.

6
7 IT IS SO ORDERED.

8 Dated: February 12, 2021

/s/ Eric P. Grogan
9 UNITED STATES MAGISTRATE JUDGE